

APPROVED MINUTES of the
Regular Meeting of the City Council of the
City of Rye held in City Hall on November 8,
2017, at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

JULIE KILLIAN, Councilmember

The Council convened at 7:30 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Mayor Sack congratulated the newly-elected Councilmembers and Mayor of Rye, who will begin their term on January 1, 2018.

Councilman McCartney offered to help the Council candidates elected in the transition process. On the Rye Golf Club front, he announced that improvements are continuing and halfway done. The greens are still open around the construction and will remain before the weather gets too cold. The pro shop will be open until December 5, 2017. On the Recreation issues, Councilman McCartney announced that there will be a meeting on November 9, 2017 at 6:30 concerning the Stantec RFP and study of Disbrow Park. He also stated that the Annual Turkey Run will be the Saturday after Thanksgiving, on November 25, 2017. The Holiday Bonfire and Singalong will be Sunday, December 3, 2017, and Pancakes with Santa will be held December 17, 2017. Councilman McCartney also invited everyone to attend the annual Veteran's Day services on November 11, 2017 at 10:30 A.M. on the Village Green. He lastly announced that November 9, 2017 will mark the 242nd birthday of the United States Marines.

Councilwoman Tagger-Epstein discussed the leaf mulching event, held on November 3rd, which was a huge success. She also said that she recently had the opportunity to read a story for children at the Farmers Market, which also featured a lamb named Tiny Tim. On November 17, 2017 at 6:30 P.M. there will be a Green Screen film shown at the Rye Country Day School, entitled “Wasted,” about wasted food. On November 18, 2017 there will be an event about landscaping at the Jay Heritage Center which she invited everyone to attend. She also stated that November 17, 2017 the Rye Lions club will be honoring Steve and Janet Myers on their great work in the community. The Lions are also celebrating 90 years of service in Rye. Councilwoman Tagger-Epstein reminded the community that the Women’s Interfaith Committee’s Annual Thanksgiving Event will be held November 19, 2017 at 4:00 P.M. at Rye Presbyterian Church. The Human Rights Commission plans on collaborating with the Women’s Interfaith Committee in the future.

Councilwoman Hurd announced that Mistletoe Magic will be held on November 26, 2017. On behalf of the Flood advisory Commission, they are still awaiting the final report from DASNY regarding the New York Rising Project.

12. Authorization for the City Manager to enter into an Inter-municipal Agreement with Westchester County to allow the County to make certain improvements to portions of the City’s sidewalks and streets as part of the County Pathway Project.

City Manager Serrano explained that this project has been ongoing for several years. He introduced Anthony Zaino, Westchester County Planning Department.

Mr. Zaino explained that the County has been working on building a safe connection between the Rye Train Station and Playland. The County has been working with DOT for seven years on this plan. In order for improvements to move forward, the County would need an easement from the City to do work on the City’s right-of-way.

Mayor Sack mentioned the Traffic and Pedestrian Safety Committee in Rye and recommended that the County present before that committee once the project advances.

Councilman McCartney asked about traffic engineering and counting at the busy intersections of the pathway.

Mr. Zaino explained that the aim of the project would be to improve current conditions, replacing parts in kind. He hopes the project would begin next year.

Councilman Mecca discussed the overlapping of the project with the City’s capital improvement projects.

Councilwoman Tagger-Epstein asked about the responsibility of the plantings and maintenance, and the specific species. Mr. Zaino responded that there would be a two-year plan about the plants.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the City Manager to enter into an Inter-municipal Agreement with Westchester County to allow the County to make certain improvements to portions of the City's sidewalks and streets as part of the County Pathway Project.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

9. Public Hearing to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

Jack Zahringer and Maurio Sax, Landmarks Advisory Committee, explained that the goal was to landmark Baird Square, the Purdy Cemetery and Milton Cemetery.

Mayor Sack discussed the Baird Square location and asked if it would inhibit the City from doing any improvements in the future.

Mr. Zahringer said that the most important interest would be to save the land, not necessarily the items on the land, such as the police booth.

Councilwoman Hurd felt that preservation was important and was in support of land marking these areas in Rye.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to open the Public Hearing.

Specific to Baird Square, Councilman McCartney said that the Baird influence was important to Rye's history and culture.

With no other speakers, Councilwoman Hurd made a motion, seconded by Mayor Sack, to close the Public Hearing.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks as indicated below:

Chapter 117. LANDMARKS PRESERVATION

§ 117-5. Designation of Preservation Districts or Protected Sites and Structures.

E. The designated Preservation District and Protected Sites and Structures shall be set forth in this subsection by block and lot number, street designation and, if appropriate, by local designation.

(1) Preservation District: Village Green, the Square House, the Rye Free Reading Room and City Hall, Boston Post Road, Rye, New York, also known as Block 2, Lot Nos. 29 and 31, on the current tax assessment map of the City of Rye, and formerly known as Block 42, Lot Nos. 14A, 14B, 20, 21, 22, 23 and 24. Specifically designated as protected within the district are: [Added 9-15-1982 by L.L. No. 8-1982]

(a) The Square House: the exterior and the grounds surrounding, a total of 1.88 acres. On the interior: the council room; tavern room; warming kitchen; small exhibit room; ballroom; nineteenth-century bedroom; the main entrance hall and staircase; adjoining hallways between the specified rooms and the Civil War period room in the attic, all exclusive of displays, furnishings or exhibits. All areas not specifically proposed for preservation as listed above should be deemed to be excluded.

(b) The Rye Free Reading Room:

[1] The exterior and grounds surrounding, a total of 0.26 acre. On the interior, only that portion of the 1913 building described as: in the first floor entrance vestibule: woodwork, excluding doors; in the first and second floor foyer: staircase, stairwell and landing space, including three arches; woodwork, excluding doors to north and south second floor rooms; in the first floor circulation area: woodwork, including square and circular columns and connecting beams only; in the first floor reading rooms, north and south: woodwork, including fireplace surrounds and mantels, trim above seven feet one inch (level of mantels), window trim, including sills, and fireplaces as working fireplaces.

[2] The following portions of the interior and exterior of the 1913 building shall be specifically excluded: second floor, north and south rooms; toilet rooms and adjacent hallway: furniture, including circulation desk and bookshelves: furnishings, including carpet, vases, artwork, signage and paint colors. Interior and exterior exclusions: lighting, heating ventilation and electric; alarm systems, including fire and security; wiring and devices for telecommunications, including cable television, computer, phone and similar installations.

[3] The following future possible changes are also excluded: installation of ceiling and attic fans, railing in foyer, exterior sign identifying the building, storm windows, security lights and glass doors or stoves (e.g., Stovalator) in fireplaces; waterproofing terrace.

(c) The Rye City Hall be deemed protected as to exterior.

(d) The Village Green be deemed protected as to walks, walls, millstones and landscaping.

(2) Protected site and structures: Alansten, the Jay Mansion, and the Carriage House, 210 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 24.1, on the current Tax Assessment Map of the City of Rye. Specifically designated as protected sites and structures are: [Added 7-18-1984 by L.L. No. 10-1984]

(a) Alansten: The entire site consisting of 22.46 acres and including a viewway, a trapezoidal area located between the Jay Mansion and the southerly property line in which there shall be no construction, except for the installation of utility services, which shall have a width of 90 feet at the rear of the building and a width of 300 feet along the southerly property line, the centers of which shall be the center of the rear facade of the building and the point at which a line extending from the rear facade and perpendicular to the rear facade intersects the southerly property line, respectively. The foregoing described orientation of the viewway to the mansion may be adjusted by the Planning Commission during site plan review if it finds that said adjustment will improve the public's view of the mansion.

(b) The Jay Mansion: The entire exterior.

(c) The Carriage House: The entire exterior.

(3) Protected site and structure: the Hains-Robinson House, 556 Milton Road, also known as Sheet 153.06, Block 1, Lot 70, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 1-16-1985 by L.L. No. 1-1985]

(a) The Hains-Robinson House: the entire exterior and the entire site, including the stone walls; the interior; the entire ground floor, which includes the original kitchen and tap room containing the ship's doors and paneling from the frigate Brandywine. Also deemed protected are the stair railings and newel posts and other Brandywine doors throughout the house.

(4) Protected site: the Jay Family Cemetery, Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 33, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 9-17-1986 by L.L. No. 14-1986]

(a) The Jay Family Cemetery: the entire site comprising 2.85 acres shall be deemed protected, including walls, fences, stones, monuments, paths and the access road. This designation shall not interfere with or prevent additional burials or placement of headstones.

(5) Protected Site and Structure: the Timothy Knapp House, 265 Rye Beach Avenue, Rye, New York, also known as Sheet 146.19, Block 5, Lot 8, on the current Tax Map

of the City of Rye. Specifically designated as protected is: [Added 8-19-1987 by L.L. No. 9-1987]

(a) The Timothy Knapp House: the entire site and entire building including interior and exterior.

(6) Protected site and structure: the Parsons Estate, 260 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 34, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 6-15-1988 by L.L. No. 11-1988]

(a) The Parsons Estate: the entire site; the exterior and interior of the main residence, the exterior of the gardener's cottage and the exterior of the carriage house and stables.

(7) Protected site and structure: 235 Boston Post Road, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.1, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]

(a) The Stillman Residence: the entire site and the exterior of the main residence.

(8) Protected structure: 5 Morris Court, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.3, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]

(a) The exterior of the one-story stone garage, including the chimney. The attached greenhouse-type structure shall be deemed to be excluded.

(9) Protected site and structures: the Bird Homestead, 600 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 61, on the Tax Map of the City of Rye; the Rye Meeting House, 624 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 60, on the Tax Map of the City of Rye. Specifically designated as protected is:

(a) the Bird Homestead: the entire site and the exterior.

(b) the Rye Meeting House: the entire site and the exterior.

10) Protected site and structures: the Milton Cemetery, Milton Road, Rye, New York, also known as Sheet 146-18, Block 4, Lot 51, on the Tax Map of the City of Rye; the Purdy Cemetery, Milton Road, Rye, New York, also known as Sheet 146-18, Block 4, Lot 76, on the Tax Map of the City of Rye; Baird Square, Boston Post Road and Milton Road, Rye, New York. Specifically designated as protected is:

(a) the Milton Cemetery: the entire site; this designation shall not interfere with or prevent additional burials or placement of headstones

- (b) the Purdy Cemetery: the entire site excluding the footbridge; this designation shall not interfere with or prevent additional burials or placement of headstones
- (c) Baird Square: the entire site including the greenspace encircled by hedges, the police booth, and the event sign

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

4. Draft unapproved minutes of the regular meeting of the City Council held October 18, 2017.

Councilwoman Hurd corrected the spelling of Mr. Gavlik's name in Section 9 of the minutes and recommended a general statement in which a future workshop would take place in which the Boat Basin Operating Model would be discussed.

Councilwoman Hurd made a motion, seconded by Mayor Sack, to adopt the minutes of the regular meeting of the City Council held October 18, 2017 as amended.

5. Issues Update/Old Business.

Tagger-Epstein reported that the Traffic and Pedestrian Safety Committee looked into permit parking, but said there is a State law that would require to the City to give 30% of these permits to nonresidents. She also said that the Committee was looking at some traffic issues on Osborn and Coolidge, as well as Hewlett. She advised the community to stay tuned for possible new resolutions that may come before the Council on various pedestrian safety issues.

6. Presentation of the FY 2018 Budget by the City Manager.

City Manager Serrano said that the budget is a very important process, which creates a document that is concise and transparent. He stated that the City receives an award on the budget document each year, thanks to City Comptroller Fazzino.

City Manager Serrano continued and said that the budget proposed is not able to meet the tax cap. Based on the demands the City has on the budget, it was not possible. The budget workshops will take place on November 13 and 29, 2017. He said that revenues are capped as they are, and it is important to look at how to look at revenues can offset the expenses. One of the additional expenses for 2018 is due to the hiring of three new additional firefighters. City Manager Serrano felt that the SCAR and certiorari proceedings were also a concern for the future. He said that the City has four outstanding union contracts but is hopeful to come to agreements soon. On a positive note, he said that the retirement system has stabilized. He also said that the City had also seen a

decrease in the workman's compensation insurance cost. Mr. Serrano thanked all the department heads for their efforts in helping cut \$168,000 in expenses.

City Manager Serrano then discussed a decrease in the assessment. He also discussed updating fund balance policy to protect the bond rating for the future. He suggested that capital expenses at this point could be bonded. After reviewing each major point, City Manager Serrano said that it was for these reasons that the City Council was being asked to adopt a resolution overriding the tax cap.

There was discussion over capital projects and priorities, such as the sewer system's antiquated infrastructure.

In his summation, City Manager Serrano thanked the Department heads, as well as City Comptroller Fazzino and Assistant City Manager Militana for their hard work. He thanked the City Council for the opportunity to present this budget.

Mayor Sack confirmed that the proposed tax rate increase is 6.23%. The tax cap for 2018 would be 1.84%, making the amount of which the City could exceed the tax cap \$744,000. Mayor Sack asked the City Manager to present options to show the consequences of a tax compliant budget.

City Comptroller Fazzino thanked the Mayor and Council. He presented a slide show of the proposed budget. He explained that based on the 2017 projects, the City can expect to have \$322,000 in profit. He showed slides on revenues, expenditures, salaries, and other items that account for the proposed budget.

Councilman Mecca asked about how the City receives sales tax. City Comptroller Fazzino explained that this is done through the County and State. The City would have to petition the State to raise its own sales tax. If the City collects its own sales tax, it would not be eligible for this portioned sales tax throughout the County and State.

City Comptroller Fazzino discussed proposed expenditures. He explained that there was money in fund balance for capital expenditures. Mr. Fazzino also discussed retirement expenses and Public Safety expenditures.

There was discussion about 2018 proposed revenues. Councilwoman Tagger-Epstein asked for an analysis of Building Department revenues.

City Clerk D'Andrea explained the projected loss in revenue for parking permits.

City Comptroller Fazzino discussed options to balance the 2018 budget, with a tax levy of \$744,443.

There was discussion over calculating the levy increase, taxable assessed value, a summary of the property tax levy.

Councilman Mecca said that the taxable value appears to have gone down between 2017 and 2018. He asked when the City could expect the 120 Old Post Road to site to have an impact. City Comptroller Fazzino responded that it would be 2018.

Councilwoman Bucci raised the issue of the contingency account.

Mayor Sack confirmed that a shadow budget would be presented at the next meeting, showing the services and items forfeited with a tax-compliant budget.

7. Consideration to set a Public Hearing on the 2018 Budget for December 6, 2017.

Mayor Sack made a motion, seconded by Councilman McCartney, to set a Public Hearing on the 2018 Budget for December 6, 2017.

8. Consideration to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation for December 6, 2017.

Mayor Sack made a motion, seconded by Councilman McCartney, to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation for December 6, 2017.

10. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Corporation Counsel Wilson said that the local law amendment proposals are set into three separate laws. After hearing received public comment on all of these items, the drafts are before the Council.

Callie, Erickson, 190 Locust Avenue, said that that the law does not take some resident comments into account. She referenced Mr. Kilroy's comments.

Mayor Sack, made a motion, seconded by Councilwoman Hurd, to adjourn the matter to 2018.

11. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

13. Resolution to transfer \$40,000 from the Contingency account to the City Manager Consultant line to fund the United Hospital Starwood Rye Park Study.

Roll Call.

City Manager Serrano explained that this goes back to the SEQRA process on the Starwood project in Port Chester. The Rye Park neighborhood has concerns about traffic issues.

There was discussion about moving forward with the transfer, as the work has already been done. There will also be a report provided to the City based on the study.

Councilwoman Hurd raised the issue of traffic patterns near Playland Parkway.

Councilman McCartney made a motion, seconded by Mayor Sack, to transfer \$40,000 from the Contingency account to the City Manager Consultant line to fund the United Hospital Starwood Rye Park Study.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

14. Resolution to transfer \$36,800 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to retain CBG Communications, Inc. to complete a technical review and evaluation of the cable systems as part of the cable franchise renewal process.
Roll Call.

Corporation Counsel Wilson said that a budget transfer was being requested for the Buske Group, who is completing a needs assessment report to prepare for franchise negotiations. Councilwoman Bucci explained the process and stated her support for spending this money now, as it will result in a much larger return later.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to transfer \$36,800 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to retain CBG Communications, Inc. to complete a technical review and evaluation of the cable systems as part of the cable franchise renewal process.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

15. Two appointments to the Boat Basin Commission, by the Council, for three-year terms expiring January 1, 2021.

Mayor Sack, with Council approval, appointed George Sczcerba and Robert November for a three year term to the Boat Basin Commission, expiring January 1, 2021.

16. Consideration of the proposed revisions to the Rules and Regulations of the City of Rye Police Department:

- General Order #103.8 regarding the use of mobile notebook computers
- General Order #104.3 regarding the regulations for City of Rye Police Department uniforms
- General Order #110.1 regarding the handling, movement and treatment of persons in lawful physical custody
- General Order #115.4 regarding qualifications for police personnel as instructors
- General Order #117.09 regarding the deployment of All Terrain Vehicles (ATVs)
- General Order #117.1 regarding fiscal responsibility of the Police Department
- General Order #118.1 regarding responsibility for Police Department records
- General Order #118.5 regarding policy and procedure for complying with Court ordered sealing of records
- General Order #118.7 regarding compliance with NYS Freedom of Information (FOIL) Law
- General Order #119.1 regarding community relations

City Manager Serrano explained that Commissioner Corcoran has been updating and documenting all policies to protect the City and its officers.

Councilman Mecca made a motion, seconded by Councilman McCartney to approve the following provisions to the Rules and Regulations of the City of Rye Police Department:

- General Order #103.8 regarding the use of mobile notebook computers
- General Order #104.3 regarding the regulations for City of Rye Police Department uniforms
- General Order #110.1 regarding the handling, movement and treatment of persons in lawful physical custody
- General Order #115.4 regarding qualifications for police personnel as instructors
- General Order #117.09 regarding the deployment of All Terrain Vehicles (ATVs)
- General Order #117.1 regarding fiscal responsibility of the Police Department
- General Order #118.1 regarding responsibility for Police Department records
- General Order #118.5 regarding policy and procedure for complying with Court ordered sealing of records

- General Order #118.7 regarding compliance with NYS Freedom of Information (FOIL) Law
- General Order #119.1 regarding community relations

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

17. **Miscellaneous communications and reports.**

There was nothing discussed under this agenda item.

18. **New Business.**

Councilman Mecca asked for an update on the street lights changeover from the sodium lights to LED lights. He also asked that the City recognize longstanding employees for their service.

19. **Adjournment.**

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to adjourn the regular meeting of the City Council at 9:28 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk